

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
N/S Marriottsville Road, 800' E
of Powells Run Road
2nd Election District
3rd Councilmanic District
James W. Miller and
Judith G. Hatfield -
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard with a height of 26 feet in lieu of the maximum permitted 15 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of November, 1991 that the Petition for Residential Variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard with a height of 26 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/19/91
By [Signature]

LES:bjs

- 2 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

November 19, 1991

887-3353

Mr. James W. Miller
Ms. Judith G. Hatfield
10712 Marriottsville Road
Randallstown, Maryland 21133

RE: PETITION FOR RESIDENTIAL VARIANCE
N/S Marriottsville Road, 800' E of Powells Run Road
(10712 Marriottsville Road)
2nd Election District - 3rd Councilmanic District
James W. Miller and Judith G. Hatfield - Petitioners
Case No. 92-161-A

Dear Mr. Miller & Ms. Hatfield:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 10712 Marriottsville Road
Randallstown, Maryland 21133
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)
The elevation and pond in rear yard do not permit erection of an accessory structure. An attached side garage would not be in harmony with the historic nature of the property.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Affiant (Handwritten Signature)
James W. Miller
Affiant (Printed Name)
Affiant (Handwritten Signature)
Judith G. Hatfield
Affiant (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of October, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

James W. Miller and Judith G. Hatfield

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

10/2/91

DATE

Dorothy M. Post
NOTARY PUBLIC
Dorothy M. Post, Notary
My Commission Expires: 5/1/94

October 3, 1991

Re: 10712 Marriottsville Road
Randallstown, MD 21133

EXPLANATION OF PRACTICAL DIFFICULTY:

Strict compliance with the requirement that a garage be located behind the house would be unreasonably difficult for the following reasons:

The backyard drops off directly behind the house by approximately 15 feet. The ground below the drop is laden with springs which feed into the pond.

The backyard to the left of the pond area is planted in apple and pear trees and is hilly. Elevation is approximately 8 feet higher than the house and goes up.

The backyard to the right of the house where the springhouse is located is wet and swampy. The closest a garage could be built on this side is approximately 100 feet from the house, not practical for carrying groceries, etc. from the car.

Strict compliance with the requirement that the garage be no higher than 15 feet would diminish the character and nature of the historic property. The house is a massive stone structure, circa 1790 with a frame addition built about 1900. The total area of the house exceeds 1500 square feet. The house is very tall, with 10 foot ceilings on the first and second floors, and sits high on the lot. The foundation level of the house is six feet above the ground where the garage is proposed.

Our intention is to build a garage in harmony with the house and to enclose the area with gardens and walls into a colonial type compound. We believe that building a structure limited to 15 feet would detract from the appearance of the whole property and would diminish the value historically. We believe also that the size of the property, (11.43 acres) and the distance from the neighboring property and buildings render any impact of a relaxed height restriction insignificant.

EXHIBIT A

BEGINNING for the same at a point in the bed of Marriottsville Road at the end of the third line of the land described in a Deed from Otis W. Blunt to Fred Sadosky, dated April 18, 1940 and recorded among the Land Records of Baltimore County in Liber C.W.B., Jr. No. 1104, folio 24 & c., said point being on the first line of the land described in the Deed from Otis W. Blunt to Joseph Schlee, dated March 18, 1943 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1274, folio 447 & c.; thence running along and in the bed of said road and reversely on a part of said first line of the secondly mentioned Deed, North 85 degrees 45 minutes West 481.85 feet to a point in line with the first line of the land described in a Deed from Joseph Schlee and wife to Anthony M. Schneider dated June 29, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1484, folio 2 & c.; thence running to and along the first line of the last mentioned Deed North 2 degrees 59 minutes East 181.8 feet to a pipe heretofore set at the end of said first line; thence running for lines of division now made and agreed upon North 00 degrees 59 minutes East 320 feet to a pipe, and North 15 degrees 01 minutes West 248.6 feet to a pipe set in the 16th line of the land described in a Deed from Joseph Schlee and wife to the Laurel Hill Country Club, Inc.; thence running and binding on a part of said 16th line and on the 17th line of the last mentioned Deed South 85 degrees 51 minutes East 701.36 feet to a pipe, and South 62 degrees 34 minutes East 393.85 feet to a pipe set in the fourth line of the whole tract conveyed in the Deed secondly mentioned above; thence running and binding on a part of said fourth line South 32 degrees 31 minutes West 115.0 feet to a pipe set in the end of the first line of the land described in the first Deed mentioned above; thence running and binding on the second and third lines of the Deed first mentioned above North 83 degrees 52 minutes West 351.0 feet to a pipe, and South 12 degrees 17 minutes West 530.0 feet to the point of beginning. Containing 11.34 acres of land, more or less.

BEING the same lot or parcel of ground which by Deed dated May 16, 1989 and recorded among the Land Records of Baltimore County in Liber S.M. No. 8192, folio 800 was granted and conveyed by Elaine O. McDermott unto the within named Grantor.

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.1 to allow an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard, AND 26' HIGH IN LIEU OF THE REQUIRED 15' IN AN R.C.S. ZONE.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (Indicate hardship or practical difficulty)

The house is a large stone structure built in 1790. The proposed garage was designed by an architect to complement the historic house. As a practical matter, the back yard drops off significantly and is occupied by a 1/4 acre spring fed pond.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

James W. Miller

(Type or Print Name)

Signature

Judith G. Hatfield

(Type or Print Name)

Signature

10712 Marriottsville Road 922-5815

(Address)

Randallstown, MD 21133

(City/State/Zip Code)

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

same as above

Name

Address

Phone

I ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be posted on the property on or before the _____ day of _____, 19____.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County.



ORDER RECEIVED FOR FILING

REVIEWED BY: JRA DATE: 10-14-91

Date 11/19/91

By [Signature]

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

October 16, 1991

887-3353

COPY

James W. Miller and Judith G. Hatfield
10712 Marriottsville Road
Randallstown, MD 21133

Re: CASE NUMBER: 92-161-A
LOCATION: N/S Marriottsville Road, 800' E of Powells Run Road
10712 Marriottsville Road
2nd Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a referee regarding the administrative process.

1) Your property will be posted on or before October 27, 1991. The closing date is November 12, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

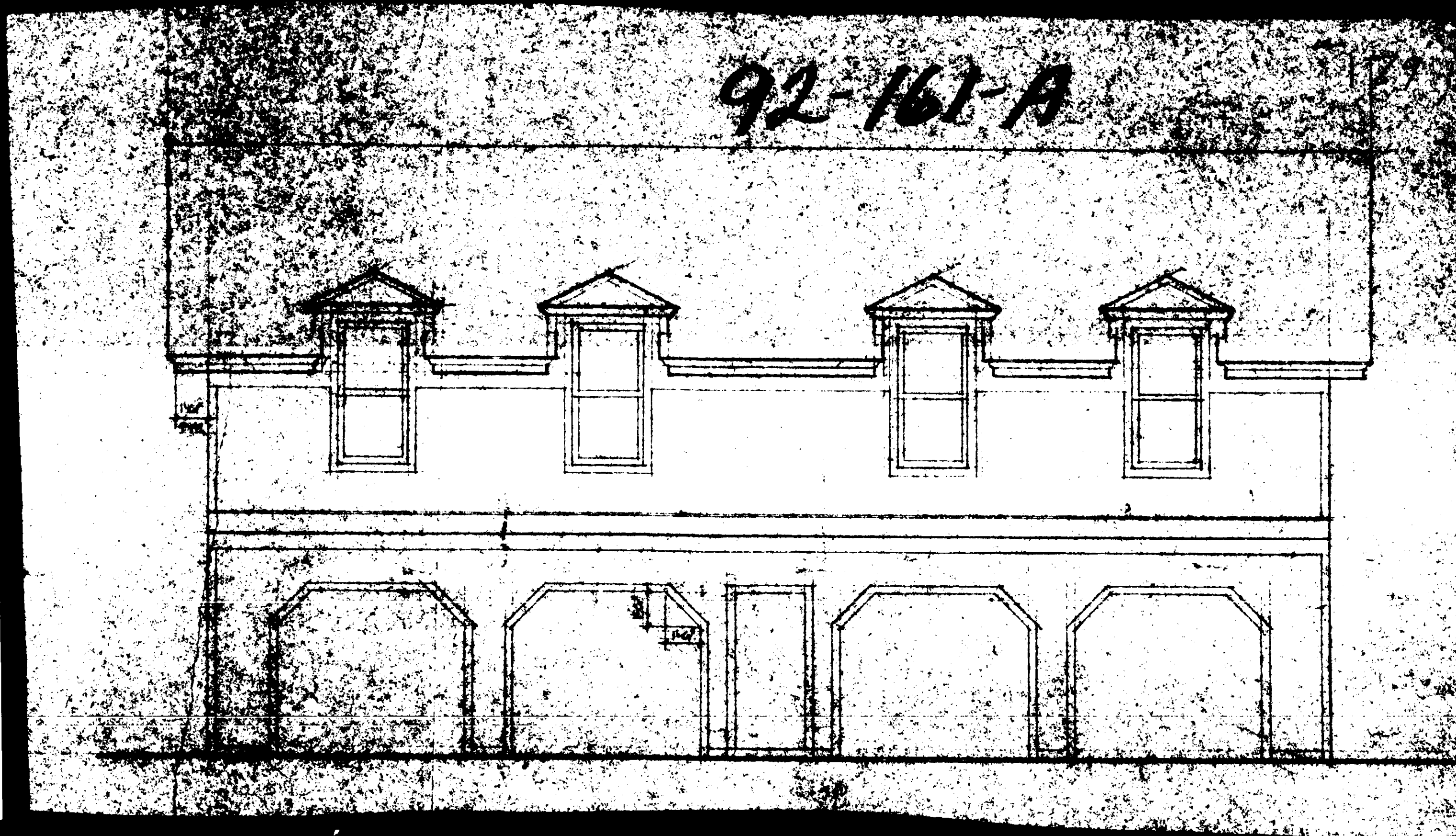
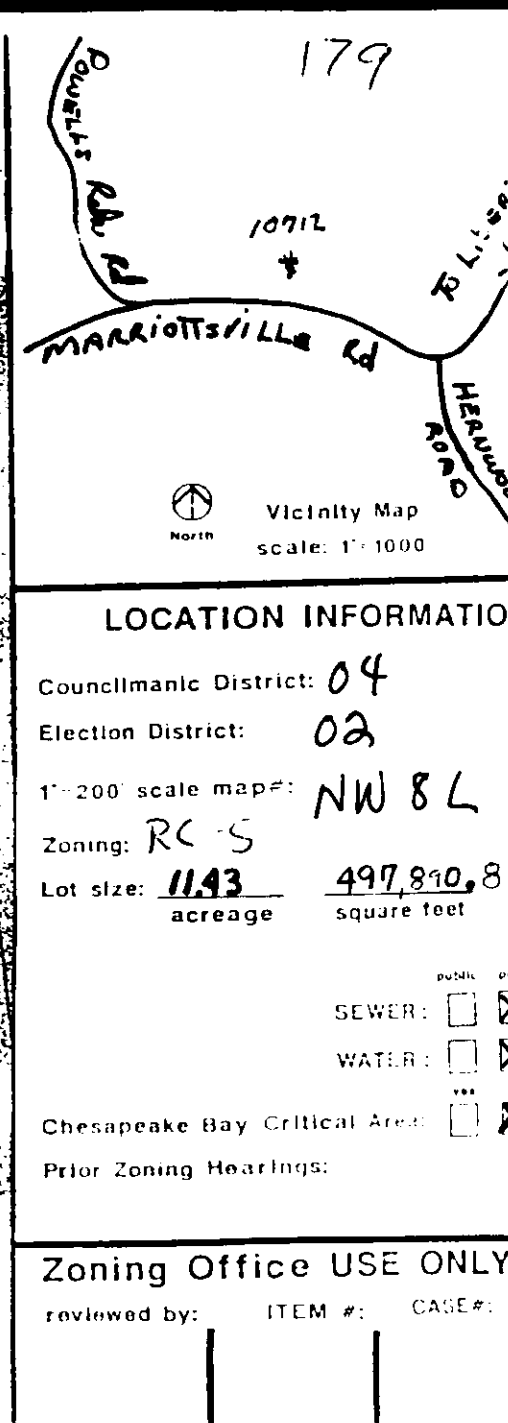
LAWRENCE E. SCHMIDT
Zoning Commissioner, Baltimore County

**Baltimore County
Zoning Commissioner**
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

[illegible]

Please Make Checks Payable To: Baltimore County \$60.00
BA 000130A-10-11-91



I HEREBY CERTIFY THAT I HAVE MADE
 A SURVEY OF THIS LOT FOR THE PURPOSE
 OF LOCATING THE IMPROVEMENTS THEREON
 AND THAT THEY ARE LOCATED AS SHOWN.
 THIS PLAT IS NOT INTENDED FOR USE
 IN ESTABLISHING PROPERTY LINES.

THIS PROPERTY IS NOT
 LOCATED IN A FLOOD
 HAZARD ZONE

I, Julie C. Hopkins

REG. NO. 274


LOCATION SURVEY
 10712 MARIOTTESVILLE RD BALTO CO.


HOPKINS ENGINEERING
 18 BRIGHT STAR COURT
 BALTIMORE, MARYLAND 21206
 PHONE: 866-8226

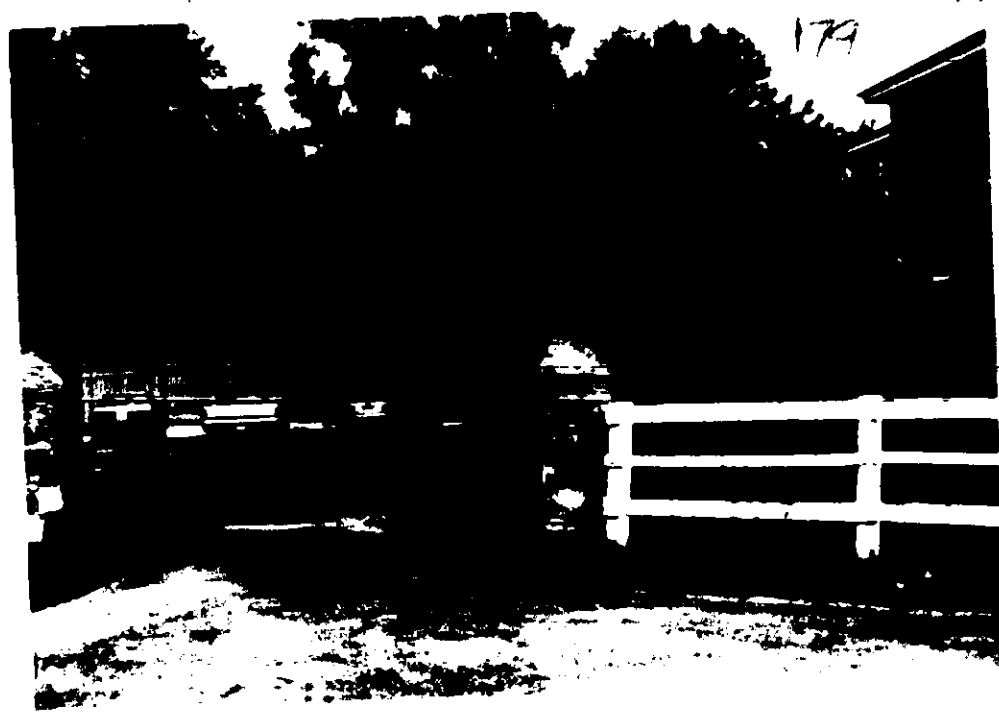
SCALE
 1" = 200'
 DATE
 5-15-01
 JOB NO.

CASE NUMBER 92-161-A

PETITIONER'S EXHIBIT # _____









CASE NUMBER 92-161-A

PETITIONER'S EXHIBIT # _____

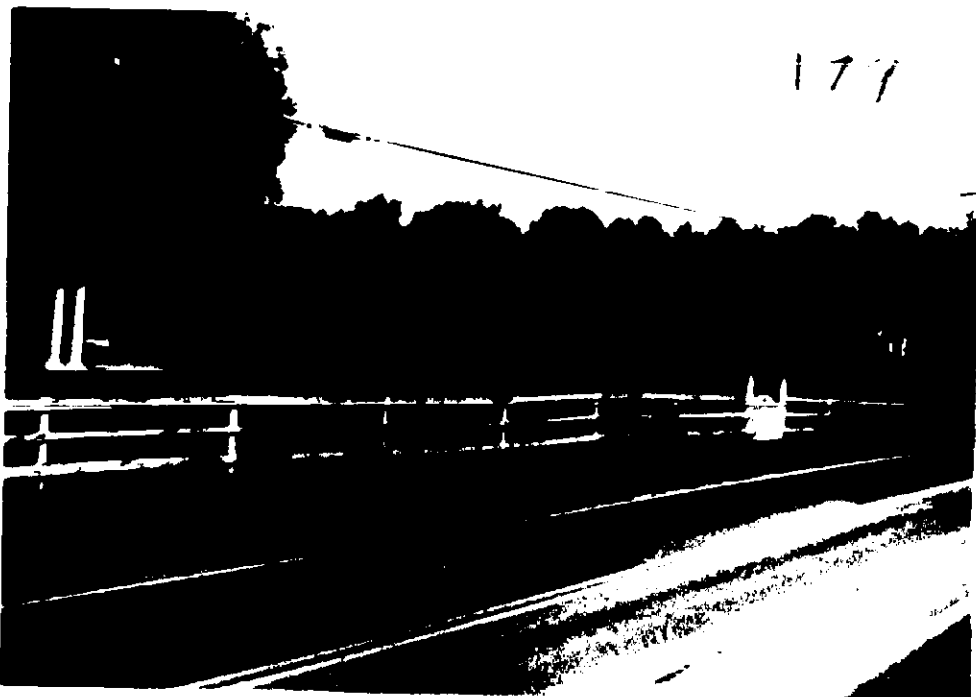
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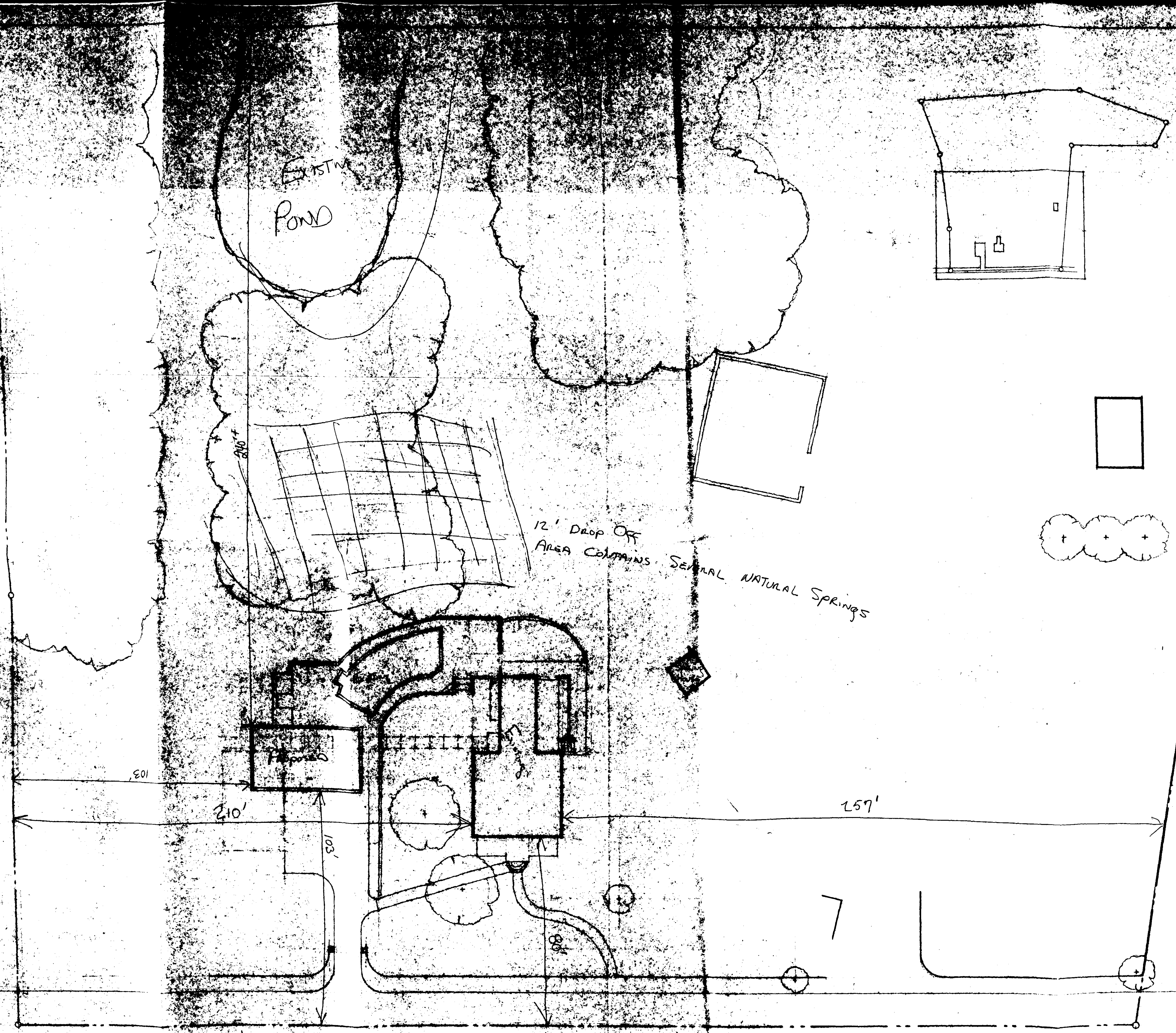


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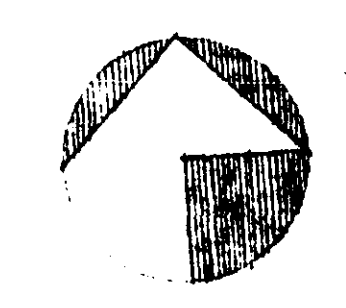


92-161-A

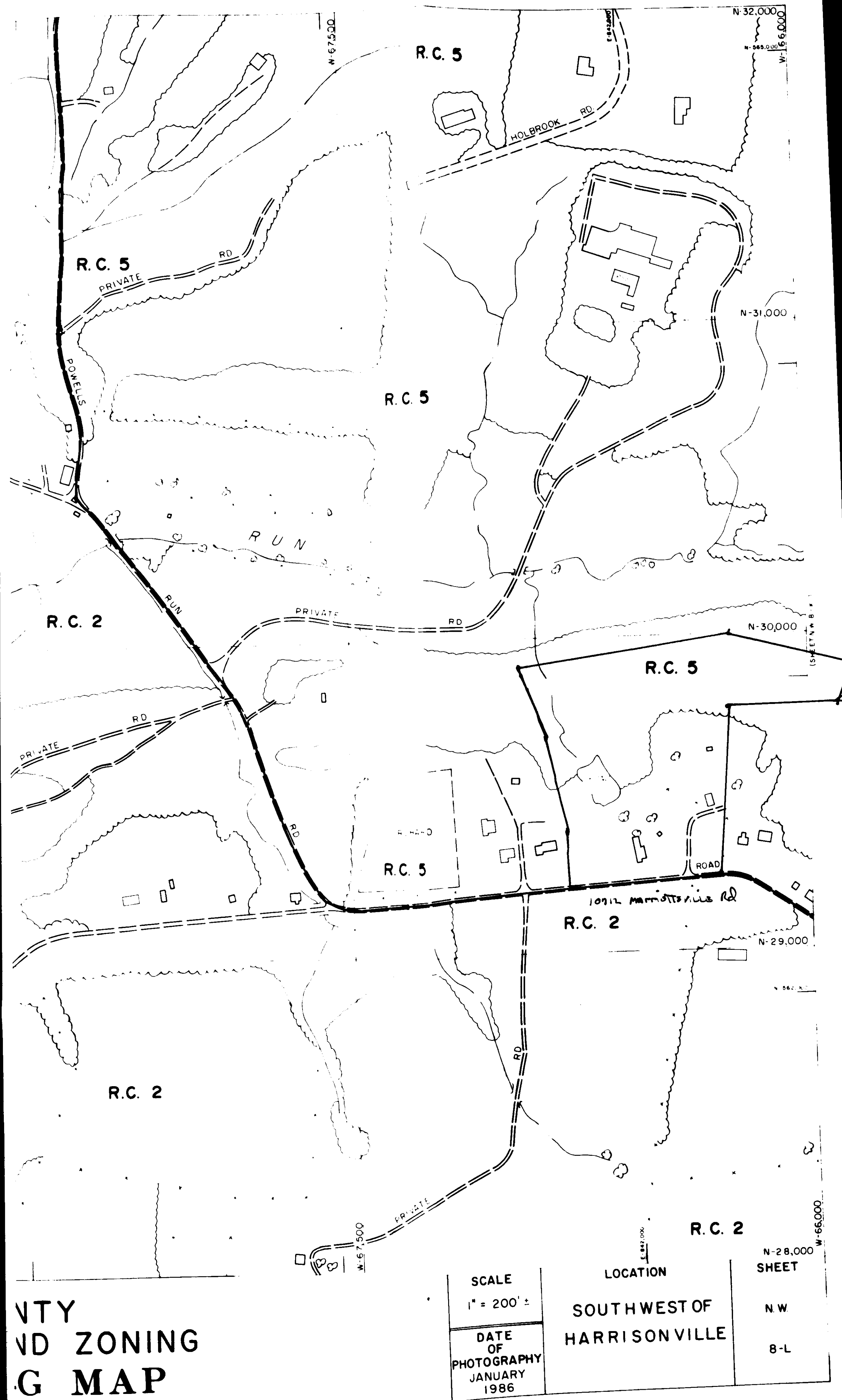
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JAMES W. MILLER
10712 MARRIOTTSVILLE RD
ROXBOROUGH MD
21133



92-161-A 179



92-161-A

#179.



E COUNTY
NING AND ZONING
APHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	SOUTHWEST OF HARRISONVILLE	N.W. 8-L
DATE OF PHOTOGRAPHY JANUARY 1986		